

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT TEXAS  
MARSHALL DIVISION**

AGIS SOFTWARE DEVELOPMENT LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and  
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

Civil Action No. 2:22-cv-00263-JRG-RSP

JURY TRIAL DEMANDED

**DEFENDANTS' ANSWER, DEFENSES AND COUNTERCLAIMS TO PLAINTIFF'S  
SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Defendant Samsung Electronics Co., Ltd. ("SEC") and Samsung Electronics America, Inc. ("SEA") (collectively, "Samsung" or "Defendants") hereby submit their Answer, Defenses and Counterclaims to the Second Amended Complaint for Patent Infringement ("Complaint") of Plaintiff AGIS Software Development, LLC ("AGIS" or "Plaintiff"). Samsung denies each and every allegation and characterization set forth in the Complaint unless expressly admitted herein. Samsung responds to each paragraph of the Complaint, as follows:

**THE PARTIES**

1. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1, and therefore denies them.
2. Samsung admits that SEC is a corporation organized and existing under the laws of the Republic of Korea. Its principal place of business is at 129, Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, 443-742, Republic of Korea. SEA admits that it does business in the State

of Texas and in the Eastern District of Texas. Except as expressly admitted, Samsung denies all remaining allegations in paragraph 2.

3. Samsung admits that SEA is a New York Corporation and has a principal place of business at 85 Challenger Rd., Ridgefield Park, NJ 07660. Samsung denies that SEA has corporate offices at 2601 Preston Road, #1214, Frisco, Texas 75023, 1303 East Lookout Drive, Richardson, Texas 75082 and 2800 Technology Drive, Suite 200, Plano, Texas 75074. Samsung admits that SEA has corporate offices at 6225 Excellence Way, Plano, Texas 75023. Except as expressly admitted, Samsung denies all remaining allegations in paragraph 3.

4. Samsung admits that Samsung-branded products are sold in the State of Texas, including the Eastern District of Texas. Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 4, and therefore denies them.

#### **JURISDICTION AND VENUE**

5. Samsung admits that Plaintiff's Complaint purports to state an action under the patent laws of the United States and that this Court has subject matter jurisdiction over such claims under 28 U.S.C. §§ 1331 and 1338. Except as expressly admitted, Samsung denies all remaining allegations in paragraph 5.

6. Samsung denies that it has committed any acts of infringement within the Eastern District of Texas, or any other district. Samsung, for purposes of this action only, does not challenge this Court's personal jurisdiction over Samsung. Except as expressly admitted, Samsung denies all remaining allegations in paragraph 6.

7. Samsung admits that SEA has offices in this district and that for purposes of this action only, and without waiving any defense of improper venue in connection with any other cause of action or claim, Samsung admits that the Complaint's alleged venue as to SEA is proper under 28

U.S.C. §§ 1400(b) and 1391(b)-(c). Samsung admits that SEC is a foreign corporation and that for purposes of this action only, and without waiving any defense of improper venue in connection with any other cause of action or claim, Samsung admits that the Complaint's alleged venue as to SEC is proper under 28 U.S.C. §§ 1400(b) and 1391(b)-(c). Samsung reserves the right to argue that venue is improper pursuant to the Supreme Court's decision in *TC Heartland v. Kraft Foods Group Brands LLC*, 137 S. Ct. 1514 (2017). Samsung denies that this District is a convenient venue for adjudicating AGIS's claims against Samsung. Samsung specifically denies that this District is the most convenient venue for adjudicating any proposed allegations by AGIS against the Google Find My Device in this action, in view of the Federal Circuit's decision in *In re Google LLC et al.*, Nos. 2022-140, -141, -142, 2022 WL 1613192 (Fed. Cir. May 23, 2022), granting mandamus relief and ordering transfer of AGIS's allegations against Samsung and based on Google Find My Device from this District to the Northern District of California. Samsung denies that it has committed any acts of infringement in this District. Except as expressly admitted, Samsung denies all remaining allegations in paragraph 7.

#### **PATENTS-IN-SUIT**

8. Samsung admits that the cover page of U.S. Patent No. 8,213,970 (the "'970 Patent") states that its title is "Method of Utilizing Forced Alerts for Interactive Remote Communications" and that it issued on July 3, 2012. Samsung admits that Exhibit A to Plaintiff's Complaint purports to be a copy of the '970 Patent including the September 1, 2021 *Inter Partes* Review Certificate and the December 9, 2021 *Ex Parte* Reexamination Certificate. Except as expressly admitted, Samsung denies all remaining allegations in paragraph 8.

9. Samsung admits that the cover page of U.S. Patent No. 9,467,838 (the "'838 Patent") states that its title is "Method to Provide Ad Hoc and Password Protected Digital and Voice Networks" and that it issued on October 11, 2016. Samsung admits that Exhibit B to

Plaintiff's Complaint purports to be a copy of the '838 Patent including the May 27, 2021 *Ex Parte* Reexamination Certificate. Except as expressly admitted, Samsung denies all remaining allegations in paragraph 9.

10. Samsung admits that the cover page of U.S. Patent No. 9,749,829 (the "'829 Patent") states that its title is "Method to Provide Ad Hoc and Password Protected Digital and Voice Networks" and that it issued on August 29, 2017. Samsung admits that Exhibit C to Plaintiff's Complaint purports to be a copy of the '829 Patent including the August 16, 2021 *Ex Parte* Reexamination Certificate. Except as expressly admitted, Samsung denies all remaining allegations in paragraph 10.

11. Samsung admits that the cover page of U.S. Patent No. 9,820,123 (the "'123 Patent") states that its title is "Method to Provide Ad Hoc and Password Protected Digital and Voice Networks" and that it issued on November 14, 2017. Samsung admits that Exhibit D to Plaintiff's Complaint purports to be a copy of the '123 Patent including the September 24, 2021 *Ex Parte* Reexamination Certificate. Except as expressly admitted, Samsung denies all remaining allegations in paragraph 11.

12. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 12, and therefore denies them.

#### **FACTUAL ALLEGATIONS**

13. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 13, and therefore denies them.

14. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 14, and therefore denies them.

15. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 15, and therefore denies them.

16. Samsung admits that it licenses the Android operating system for use on or in conjunction with Samsung's Android-based devices. Except as expressly admitted, Samsung denies all remaining allegations in paragraph 16.

17. Samsung admits that paragraph 17 purports to identify Samsung applications and products which AGIS alleges Samsung manufactures, uses, sells, offers for sale, and/or imports into the United States. Except as expressly admitted, Samsung denies all remaining allegations in paragraph 17, and Samsung specifically denies that any of the identified products or components infringe any of the Patents-in-Suit, either directly or indirectly.

18. Samsung admits that Find My Device is a third-party application and can be used on certain Samsung devices with Android operating systems. Samsung denies that the Find My Device application is provided on all Samsung devices and all of the "Accused Products" identified by AGIS at the time when they are imported into, or sold in the United States. Samsung denies that the Find My Device application can be located on each Samsung Android-based device by navigating to Settings > Google > Security > Find My Device. Samsung denies that Find My Device is configured to interact with the Samsung Defendants' servers. Except as expressly admitted, Samsung denies all remaining allegations in paragraph 18, and Samsung specifically denies that it infringes or has infringed any of the Patents-in-Suit, either directly or indirectly.

19. Samsung denies all allegations of paragraph 19, and Samsung specifically denies that it infringes or has infringed any of the Patents-in-Suit, either directly or indirectly.

**COUNT I: [ALLEGED] INFRINGEMENT OF THE '970 PATENT**

20. Samsung incorporates by reference its responses to paragraphs 1-19 of Plaintiff's Second Amended Complaint.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.